

ARTICLE II Shows (§ 88-17 — § 88-23)

[Adopted NRO 1975, T. 14, §§ 1001 to 1008 (Secs. 4-56 to 4-62 of the 1987 Code)]

§ 88-17 License required.

[Amended 9-13-1979 by Ord. No. O-79-213; 5-13-1986 by Ord. No. O-86-32; 11-12-1991 by Ord. No. O-91-109; 12-26-1995 by Ord. No. O-95-148; 5-23-2000 by Ord. No. O-00-27; 12-26-2001 by Ord. No. O-01-184]

A.

No showman, musician, entertainer, disc jockey, comedian, tumbler, dancer, ventriloquist, magician, circus, carnival, or concert shall for pay perform or be performed in this City, and no parade or procession upon any public street and no open-air public meeting shall be held without a license therefor specifying the time and object for which such license is granted.

B.

No license shall be granted until the applicant therefor shall file the following with the City Clerk:

(1)

Insurance. The applicant shall obtain and maintain the insurance coverage that the Insurance Department deems necessary. Factors to consider in determining the required insurance coverage include, but are not limited to, the use of mechanical apparatus, presence of animals, use of rides or other amusement functions, use of vehicles, size and duration of the event, the potential audience, the need for police or other safety services, and the history of the applicant. The required insurance coverage may include:

(a)

Workers' compensation insurance to cover all employees. The licensee shall also require all subcontractors to provide workers' compensation for all employees.

(b)

Personal injury and property damage insurance for all activities of licensee and its subcontractors arising out of or in connection with this license, written on a broad form comprehensive general liability basis.

(c)

Motor vehicle insurance to include bodily injury, property damage, uninsured motorist, employer's nonownership coverage, and medical payments.

(d)

All policies shall be endorsed with the following specific language:

[1]

The City is named as additional insured for all liability arising out of the operation by or on behalf of the named insured, and this policy protects the additional insured, its officers, agents and employees against liability for bodily injuries, deaths, or property damage or destruction arising in any respect, directly or indirectly, in the performance of the license.

[2]

The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured against insured, and the coverages afforded shall apply as though separate policies had been issued to each insured.

[3]

The insurance provided herein is primary, and no insurance held or owned by the City shall be called upon to contribute to a loss.

[4]

The coverage provided by this policy shall not be reduced or cancelled without 30 days written notice given to the City.

(e)

Documentation. The licensee shall submit certificates of insurance countersigned by a state licensed agent prior to the effective date of the license.

(2)

As a condition of licensure, and at any time during the license period, an applicant or licensee may be subject to additional restrictions or conditions ordered by the Building, Health, Police or Fire Department as may be warranted by any circumstances pertaining to a specific establishment or event or to prevent any nuisance related to or caused by the licensed activity. A nuisance, in addition to its common law meaning, is anything that endangers life, health or safety, gives offense to senses, violates common standards of decency or obstructs the reasonable use, enjoyment, or habitation of any property.

(3)

Site plans and building plans evidencing compliance with any applicable provisions of Chapters 105, 110, 123, 156, 160 and 280 and Part 2 of Chapter 190, Land Use.

(4)

Recommendation of the health officer concerning adequacy of sanitary facilities and any food-service facilities.

(5)

A surety bond or other guarantee approved by the City Solicitor/Corporation Counsel in an amount sufficient to insure payment of the costs of any police, fire or other public officers assigned to the event, the dismantling of any temporary structures, cleanup and refuse disposal, and any other costs associated with the event or its aftermath.

C.

In acting upon requests for licenses the Board of Aldermen, through its appropriate aldermanic committee, may require the applicant to meet additional requirements or adhere to additional standards as it may impose for the purpose of minimizing adverse effects of the licensed activity.

D.

Upon receipt of written notification of the denial of, or pending suspension or revocation of, a license, or for the issuance of new or revised conditions or restrictions on the license from the office of the City Clerk, the applicant or licensee may request, in writing, a hearing before the personnel/administrative affairs committee of the Board of Aldermen. The request must be made within 10 days of the date of notification sent to the applicant/licensee. The Personnel/Administrative Affairs Committee shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified in writing of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a license shall be final.

(1)

A license that has been revoked shall not be subject to renewal or restoration except that an application for a new license may be submitted and acted upon after the expiration of at least one year from the date of revocation.

(2)

A business or activity that endangers the public health, welfare or safety may have its license revoked immediately and prior to the hearing process provided above where the danger to public health, welfare and/or safety is immediate.

§ 88-18

Fees.

[Amended 12-26-2001 by Ord. No. O-01-184]

A.

Every person shall pay for a license, for the use of the City, the following sums:

(1)

For each circus, carnival, midway, offer of attended amusement rides, or show where feats of agility, horsemanship, sleight of hand or rope dancing are performed, and for menageries where wild beasts are exhibited: \$50.

(2)

For each band, or troupe or company of minstrels or comedians, and for all other theatrical exhibitions, and for each show where feats of ventriloquism, sleight of hand or jugglery are performed, and for each panorama, mirror, stereoscopic, moving pictures or other views: \$10 for each exhibition.

(3)

For each and all other shows, exhibitions, concerts or performances: \$50.

B.

In addition to the fees payable pursuant to Subsection A of this section, the licensee shall reimburse the City for any expense occasioned by such show or exhibition.

§ 88-19 Licensing of permanent places of amusement.

[Amended 12-26-2001 by Ord. No. O-01-184]

A.

Editor's Note: Former Subsection A, which provided for the licensing of theaters, was repealed 11-25-2008 by Ord. No. O-08-45. This ordinance also redesignated former Subsections B through G as Subsections A through F, respectively.

Places of amusement of a permanent character, dance halls, or halls or establishments which regularly provide entertainment as identified in § 88-17A may be licensed, for a period of 12 months from the first day of May of each year, for \$50 for each place, hall or establishment, payable in advance. For purposes of this definition, "place of amusement" shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or stories above or below, where entrance is common to the rooms, space or areas; provided, however, that the license fee for a restaurant holding a valid license under the provisions of Chapter 170, Food-Service Establishments, shall be \$10 for a period of 12 months from the first day of May of each year.

B.

Dances. This subsection shall apply to any establishment or place which permits, or permits to occur, dancing, except the following: a public or private school licensed by the state or the City for the purpose of conducting dancing classes or dance courses of study as its primary, regular and recurrent business activity; dances sponsored by an accredited educational institution, civic or religious organization or group which limits admission to its own members and their guests.

(1)

No public dancing shall be permitted between the hours of 2:00 a.m. and 7:00 a.m. any day of the week.

(2)

No person conducting or operating a teen dance shall permit, either by act or omission, any person under the age of 15 years to enter or remain on the premises without a parent or legal guardian present. No person conducting or operating a teen dance shall permit, either by act or omission, any person over the age of 20 years to enter or remain upon the premises, except a parent or legal guardian accompanying a person under the age of 18 years, and except bona fide employees of the person or entity conducting or operating such teen dance. For the purposes of this section "teen dance" means any dance which permits the entry of persons under the age of 18 years of age other than may be excepted under Subsection B of this § 88-19.

C.

No license shall be granted under this section until the applicant shall obtain and maintain the insurance coverage that the Risk Management Department deems necessary. Factors to consider in determining the required insurance coverage include, but are not limited to, the use of mechanical apparatus, presence of animals, use of rides or other amusement functions, use of vehicles, size and duration of the event, the potential audience, the need for police or other safety services, and the history of the applicant. Termination of any insurance policy or bond shall operate as a revocation of the license.

D.

Police attendance at function. When it is determined by the Chief of Police or his designee to be necessary to preserve order, protect the health, safety, and welfare of the citizens of the City, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments and places required to be licensed under this article shall be required to hire an off-duty police officer or officers during those hours the Chief of Police or his designee deems appropriate. The Chief of Police or his designee may suspend this requirement as he deems appropriate, but the requirement may be reinstated at the discretion of the Chief of Police or his designee.

E.

Enforcement. The Chief of Police or his designee(s) shall have the power to issue citations for the violation of any of the provisions of this article and to enter public access areas of a business, free of charge, during hours of public access or operation and at any time a license is required by this article, and to demand the exhibition of the license for the current term by an person engaged or employed in the transaction of such business. If the person fails then and there to exhibit the license, the person shall be punishable as provided for in § 1-12 of the City Code.

F.

It shall be the duty of all officers and agents of any corporation to see that such corporation complies with the provisions of this article. All officers or agents of any corporation required by this article to be licensed which shall do business without having paid the license fee and procured such license shall be punishable as provided for in § 1-12 of the City Code.

§ 88-20 Approval of Board of Fire Commissioners.

[Amended 11-25-2008 by Ord. No. O-08-45]

All applications for licenses for halls and places of amusement must be accompanied by the recommendations and approval of the Board of Fire Commissioners.

§ 88-21 Transfer of license.

If a person holding a license under this article shall desire to transfer and carry on such business in other premises in the City, then, upon the making and filing of a new application the board shall grant a new license, subject to the same regulations and requirements as governed the original license.

§ 88-22 Revocation of license.

At any time after a license has been issued under this article to any person, it may be revoked and cancelled by the licensing board if the performance given shall violate any of the public statutes or ordinances of the City, or is conducted in a building which does not conform to the fire statutes, ordinances or regulations of the Board of Fire Commissioners, or the place licensed is used for criminal purposes. Before any license is revoked or cancelled, the holder shall be entitled to a hearing by the licensing board and to five days' previous notice thereof in writing. Licenses of a temporary character may be revoked at any time by the licensing board without notice in their discretion.

§ 88-23 Inspection of premises.

Any member of the licensing board or the Board of Aldermen, and any police officer or agent, may enter upon any premises licensed under this article, at reasonable times, to ascertain the manner in which the license is exercised, and to preserve order.